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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,592	04/14/2000	Yoshiki Shiraishi	Q58859	8442
7590 03/24/2005				
SUGHRUE MION ZINN MACPEAK & SEAS PLLC 2100 Pennsylvania Avenue N W Washington, DC 20037			EXAMINER FLETCHER, JAMES A	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/549,592

Applicant(s)

SHIRAISHI ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

New Art Unit

1. Please include the new Art Unit 2616 in the caption or heading of any written or facsimile communication submitted after this Office Action because the examiner, who was assigned to Art Unit 2615, will be assigned to new Art Unit 2616. Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Response to Arguments

2. Applicant's arguments filed 2 February 2005 have been fully considered but they are not persuasive.

In re page 5, applicant's representative states: "neither Moriyama nor Mori would reasonably teaches or suggests [sic] an information recording apparatus in which the image reproducing apparatus continues to reproduce the image information, and the controller inhibits display of the image information and reports a status of the image information, when the detector detects that the vehicle is not stopped."

The examiner respectfully disagrees. Mori clearly discloses the change from a video reproduction mode to an audio reproduction mode when the vehicle is moving (see Col 21), defines an audio reproduction mode as being either a different or the same program without video reproduction (see Col 5), and reports the status of playback to various parts of the playback device (see Col 18).

Specification

3. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mori et al (6,208,802).

Regarding claims 2-4, Mori et al disclose an information reproducing apparatus which plays back an information medium in which at least image information and control information to control a play back form of the image information are recorded (Col 2 lines 9-13 "a reproduction apparatus for reproducing an optical disk, the optical disk including a data region and a management region, the data region storing: at least one audio object containing audio information; and at least one video object containing video information and audio information, wherein the management region stores a plurality of first management information units for managing progress of reproduction");

- a detector that detects whether a vehicle is stopped (Col 21, lines 53-55 "It can be detected whether or not an automobile is at rest by detecting, for example, the state of the parking brake or gearshift");
- a controller that plays back and controls the image information in a display form according to the control information (Col 2, lines 14-18 "the management

region stores...a plurality of second management information units for managing progress of reproduction of the at least one video object”), and that reports the play back control state, when the control information is detected at the time of play back of the information medium (Col 18, lines 25-27 “the remote control reception section 92 generates an interrupt signal indicative of the reception of a key signal from the remote control 91”),

- wherein the controller stops the playback of the image information and reports the play back control state, when the detected control information is information to stop the playback (Col 18, lines 25-27 “the remote control reception section 92 generates an interrupt signal indicative of the reception of a key signal from the remote control 91”);
- wherein the image reproducing apparatus continues to reproduce the image information and the controller inhibits display of the image information and reports a status of the image information, when the detector detects that the vehicle is not stopped (Col 21, lines 45-49 “if the automobile is not moving, the reproduction mode may be switched to a video-oriented reproduction mode; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode” and Col 5, lines 15-19 “various modes of viewing/ listening as desired by a user, between exclusive reproduction of audio information, reproduction of both video information and audio information, and selective reproduction of either video information or audio information”).

Further regarding claim 3, Mori et al disclose an information reproducing apparatus wherein the controller is provided with a memory for previously storing report data to report the playback control state, and to report according to the report data corresponding to the control information (Col 13, lines 23-25 "The PGC connection information 641 stores the indices of the PGC information units 631 to be jointed before and after the PGC information 631").

Further regarding claim 4, Mori et al disclose an information reproducing apparatus wherein the control information has at least any one piece of information of play back stop, still image play back, and automatic play back start of the image information (Col 7, lines 41-43 "an audio manager for performing automatic reproduction at the time of inserting a disk").

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al as applied to claims above, and further in view of Moriyama (4,680,647).

Regarding claim 5, Mori et al do not disclose an information reproducing apparatus wherein the play back control state is displayed in a display form of a superimposition display.

Moriyama teaches displaying play back control states with a superimposition display (Col 26, lines 6-9 "a control function for...displaying characters on the black background, or adding characters to a video signal").

As taught by Moriyama, superimposition is a well known, widely used, and commercially available method of providing a variety of information to the user, including the state of playback.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Mori et al to include a superimposition playback status display.

Regarding claim 7, Mori et al disclose an information reproducing apparatus wherein the information reproducing apparatus is provided with a reproduction device and speed detector operable to detect the present speed of the vehicle (Col 20, lines 49-51 "a control signal indicating the state of motion of the automobile"), and when the detector detects that the vehicle is not stopped, the information reproducing apparatus displays and controls the information of the speed detector, and reports the play back control state (Col 20, lines 44-53 "For example, if the automobile is not moving, the reproduction mode may be switched to a video-oriented reproduction mode,; conversely, if the automobile is moving, the reproduction mode may be switched to an audio-oriented reproduction mode").

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571)

Art Unit: 2616

272-7377. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached at (571) 272-7375.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF
March 21, 2005



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600